

BOARD MEETING MINUTES

The Board of the Washington Fire Commissioners Association held a regular meeting on Friday, July 11, 2008, at the state association office in Olympia, Washington.

Members present: President Joe Dawson, Vice President Bill Gates, Secretary-Treasurer Les Riel, Region 1 Director Sharon Colby, Region 2 Director Emilio Buttice, Region 3 Director Dennis Bjork, Region 5 Director Steve Lich, Region 6 Director Mark Thompson, Region 8 Director Keith Merritt and Region 9 Director Mick McKinley.

Also present: Gene Carmody (Port Ludlow Fire & Rescue), Jim Farrell (Mountain View Fire and Rescue), Jim Grove (Skagit 13), Jack Hensley (Spokane 4), Brian Snure, Clark Snure, Sandi Swarthout (Capitol Connection), Health Care Manager Tom Treves, Barb Wills (Mercer), Pete Spiller, Roger Ferris and Nora Eyllenfeldt (WFCA).

President Dawson called the meeting to order at 12:00 noon. He thanked the Board for changing the meeting date to accommodate his schedule. President Dawson reported on the Spokane wildfire affecting his district.

President Dawson related that following the April Board meeting, he received what he believed was an inappropriate email from another Board member. He responded to that email and now believes his response was equally inappropriate. President Dawson suggested the Board use email to share and request information, and use face-to-face or telephone call communication methods to express opinions and deal with problems.

President Dawson stated he addressed the Washington Fire Chiefs at their conference in Wenatchee; he plans to summarize his speech in the next issue of *Fireline*.

Board members and guests proceeded with introductions.

President Dawson called for approval of the agenda. Keith Merritt distributed an invitation from Microsoft on the Public Safety Technology Advisory Council pilot project asking the Board to review the information. Dennis Bjork moved and it was seconded to approve the agenda as presented. **Motion carried unanimously.**

President Dawson called for approval of the April 19, 2008 regular Board meeting minutes. Les Riel moved and it was seconded to approve the minutes. **Motion carried unanimously.**

Les Riel gave the Secretary-Treasurer's report reviewing second quarter finances, noting the association is under budget. President Dawson accepted the Secretary-Treasurer's report.

Bill Gates moved and it was seconded to approve April, May and June disbursements, check numbers 3511 through 3556, in the amount of \$71,326.20. **Motion carried unanimously.**

The Board convened executive session at 12:10 p.m. to discuss personnel. The Board returned to regular session at 1:15 p.m.

Mike Matlick, Director of Fire Protection Services, joined the meeting.

The Board discussed the Executive Secretary's proposed employment agreement. Sharon Colby moved and it was seconded to approve the agreement as submitted, accompanied by the job description presented in January 2008. Bill Gates amended the motion to change the date in Section 3.2 of the agreement from December 1 to December 31. Seconded. **Motion to approve the amendment carried. The original motion, as amended, carried.**

Mike Matlick gave the State Fire Marshal's office report, distributing and reviewing a document outlining the Decentralized Basic Firefighter Program—Summary of Concept.

The Board recessed at 1:30 p.m.; the Board reconvened at 1:40 p.m.

Keith Merritt moved and it was seconded that the Executive Committee establish an Ad Hoc Committee to review association operations, including job descriptions of committees, staff, roles and responsibilities and the relationship with the Board of Directors; further, to hire a facilitator, if necessary, and have the Ad Hoc Committee report on its progress at the December 6 Board meeting. **Motion carried unanimously.**

Jack Hensley stated Tom Treves would provide the health care program report.

Tom Treves gave the Health Care Manager's report. Mr. Treves distributed the loss ratio summary and outlined the 2009 benefit changes the committee adopted at its earlier meeting. This information will be announced at the health care workshops in August.

Pete Spiller presented the Investment Officer's report referring to the financial statement; he reported there are total cash assets of approximately \$15 million, \$6.5 million of which is in dedicated reserves.

President Dawson accepted the Health Care Committee reports.

Brian Snure addressed the Board regarding the draft commissioner handbook. Mr. Snure suggested the handbook be finalized and presented at a conference workshop. It was the consensus of the Board that the handbook will provide excellent information for commissioners and is long overdue.

Roger Ferris distributed a document showing a timetable for his work on future health care contracts.

Roger Ferris stated he researched the statutes pertaining to regional fire authorities as a follow-up to discussion at the April Board meeting. According to RCW 52.26, unless a district dissolves, it remains a fire protection district enjoying the rights and benefits of such, even if it is part of a regional fire authority. Mr. Ferris stated he brought this matter before the Bylaws Committee which determined a bylaws change was unnecessary.

Roger Ferris referred to Resolution 12-80(b) (creating an insurance reserve fund account) suggesting the Board adopt the amendments outlined (inserting "qualified regional fire authority" where indicated). Discussion followed. Dennis Bjork moved and it was seconded to amend the resolution by adding the language "qualified regional fire authority" as presented. **Motion carried unanimously.**

Mark Thompson moved and it was seconded that the Executive Committee and Executive Secretary develop Board policy on the scope and definition of the term “qualified” in the context of regional fire authorities referenced in Resolution 12-80(b). **Motion carried unanimously.**

Roger Ferris presented draft committee descriptions. It was the consensus of the Board that the descriptions would be helpful and, at Mark Thompson’s suggestion, President Dawson directed staff to insert “adoption” and “reviewed” dates at the bottom of each document.

Roger Ferris discussed independent contractors’ performance and contracts. He referred to a written report submitted to the Board regarding Capitol Connection’s performance, along with a copy of their current employment agreement. Mr. Ferris noted negotiations for renewal will proceed with Capitol Connection and will be an agenda item at the October Board meeting.

President Dawson accepted the Executive Secretary’s report.

Bill Gates stated the Executive Committee and Health Care Committee met on June 4 to discuss a number of issues, among them conducting a legal review of Resolution 12-80(b) and the Health Care Committee’s role in declaring and paying a dividend. Commissioner Gates suggested these items be considered by the newly appointed Ad Hoc Committee. President Dawson accepted the Executive Committee report.

Jim Farrell gave the 2008 Bylaws Committee report, referring to the committee’s written recommendations. This report and the proposed amendments will be mailed to member fire commissioners as mandated in the bylaws. President Dawson accepted the Bylaws Committee report.

Les Riel gave the Education Committee report, outlining the proposed conference class schedule as follows:

- ***Review of WFCA Commissioner Handbook***—3-hour general session.
- ***Open Public Meetings and Records Act***—1½-hour general session.
- ***Hiring Management: Avoiding the Pitfalls***—1½-hour session.
- ***ICS 700: Are You in Compliance?***—1½-hour session.
- ***Internal Accounting Controls in Fire Districts***—1½-hour session.
- ***Motivational Speaker on Team Building and Leadership***—3-hour session.

Commissioner Riel moved and it was seconded to adopt the class schedule as proposed by the Education Committee. **Motion carried unanimously.**

Sandi Swarthout discussed the “dot exercise” that was part of the legislative program presented at the Chelan workshop; the exercise was well received and the results have provided direction to the Legislative Committee for the 2009 session. Among the issues to be addressed in 2009 are annexation, rural district capital funding, raising the small works threshold, volunteer incentives and lack of fire protection coverage in no-man’s land. President Dawson accepted the legislative report.

There was no report from the Fire Protection Policy Board representative.

Keith Merritt presented the Leadership Forum report distributing minutes from the last meeting. He requested the Board provide information to Mike Matlick regarding the decentralized training program. Discussion followed. President Dawson accepted the Leadership Forum report.

Steve Lich gave the E-911 Advisory Committee report stating there was no meeting in June, but one is scheduled next week.

President Dawson referred to a written report from Chris Caviezel who represents the WFCA on the Governor's EMS & Trauma Steering Advisory Committee.

Roger Ferris presented the James R. Larson Forum Building report stating a \$20,000 capital return was deposited in the WFCA operating account at the end of June. President Dawson accepted the Forum report.

The Board recessed at 3:20 p.m.; the meeting resumed at 3:35 p.m.

Roger Ferris referred to correspondence from the State Risk Manager's office which outlined the Board's authority and responsibility concerning specific aspects of the WFCA health care program.

Regional directors presented their written and oral reports. President Dawson accepted the regional reports.

Tom Treves distributed information regarding inclusion of domestic partner eligibility in the WFCA health care plan, noting the committee recommends adoption. Discussion followed regarding costs, district interest, collective bargaining, domestic partner affidavits and fraud. Bill Gates moved and it was seconded to approve the inclusion of coverage for same and opposite gender domestic partners' eligibility for election by the individual districts that participate in the WFCA health care plan. **Motion carried** on a 5-4 vote (Bjork, Gates, McKinley, Merritt and Thompson voted in favor—Buttice, Colby, Lich and Riel voted against—the Chair did not cast a vote).

Bill Gates moved and it was seconded to adopt the Health Care Committee's recommendations regarding benefit enhancements for the 2009 WFCA health care program. The enhancements include preventive care benefits, colorectal cancer screening, bone density screening, routine exam (and related x-ray, lab) and immunizations, outpatient rehabilitation benefits increase to 40 visits per year, contraceptive coverage for the Traditional Plan, changes to exclusions, domestic partner eligibility and fire authority eligibility. **Motion carried unanimously.**

Bill Gates stated the Health Care Committee, at its June 4 meeting, reiterated its position that the per employee method of dividend distribution was the best way to assist in marketing the health care program. Commissioner Gates moved and it was seconded to reconsider the motion passed at the April 19 Board meeting regarding the method of dividend distribution.

Steve Lich stated he abstained from voting on the motion in April because there was no explanation as to how the committee reached its decision concerning the method of distribution. Tom Treves passed out a document illustrating comparisons; he stated that when the committee began discussions on the dividend distribution, consideration was given in terms of participation in the program surpluses as opposed to financial accounting. Mr. Treves further stated the committee reviewed a number of options and believed it was acceptable to pay the dividend using the head count method with a \$500 minimum. Roger Ferris asked when the \$500 minimum was determined as he did not recall the committee's action on this issue; Dennis Bjork, Tom Treves and Barb Wills agreed the action was taken at the April 2007 committee meeting in Ocean Shores. Mr. Ferris stated this action was not recorded in the minutes of that meeting.

Roger Ferris passed out a memo outlining Pete Spiller's research on dividend distribution. Mr. Spiller stated his research of legal, insurance, and investment term dictionary definitions as well as a number of pertinent court cases, yielded no mention of dividend distribution by number of employees. President Dawson stated he was made aware of Mr. Spiller's memo within the last two days and asked that it be brought up at this meeting rather than being submitted in advance.

On the vote to reconsider the method of dividend distribution, the **motion was defeated** on a 3-4 vote (Gates, McKinley and Thompson voted in favor—Buttice, Colby, Merritt and Riel voted against—Bjork and Lich abstained—the Chair did not cast a vote).

Roger Ferris brought up the Annual Fallen Firefighters' Memorial Program, which is held each October. Sharon Colby moved and it was seconded to donate \$300 to the Memorial Program. **Motion carried unanimously.**

Roger Ferris stated he has investigated a number of west and east side properties for the 2011 conference. After discussion, Les Riel moved and it was seconded to direct Mr. Ferris to enter into negotiations with the Spokane Red Lion Hotel at the Park for the 2011 conference. **Motion carried unanimously.**

Roger Ferris reported he is in preliminary discussions with Yakima properties for the 2012 conference; he will recommend the April 2009 Board meeting be held in Yakima.

Keith Merritt moved and it was seconded to allow staff attendance at the NAEFO convention in Las Vegas, September 15-16, 2008. **Motion carried unanimously.**

The Board discussed election rules for conference. Mick McKinley moved and it was seconded to re-adopt the existing standing rules for election of officers. **Motion carried unanimously.**

Bill Gates distributed a LEOFF 2 reform resolution approved by his district (South King Fire & Rescue). Commissioner Gates moved and it was seconded to support this resolution and appoint three WFCA members to a Task Force made up of the commissioners, Washington Fire Chiefs and Washington State Council of Firefighters to study LEOFF 2 reform. **Motion carried unanimously.**

Bill Gates asked if the Board and Health Care Committee members are covered under the association's errors and omissions insurance policy. Roger Ferris responded that the Board is covered except in cases of individual gross negligence.

President Dawson requested suggestions for appointments to the Nominating Committee.

Discussion was held regarding a form staff provided to designate region alternate attendance at Board meetings; it was noted the bylaws mandate the designation must be made prior to each meeting at which the alternate will attend and an email would serve as proper notification.

Keith Merritt discussed a presentation made at the Washington Fire Chiefs' conference during which Microsoft extended an invitation to officials to attend a Public Safety Technology Advisory Council meeting. Commissioner Merritt stated he will attend the next council meeting and will report back to the Board.

Mark Thompson asked about the status of the vacancy on the LEOFF 2 pension board. Roger Ferris responded he was advised by the Governor's office that the position remains vacant.

Mark Thompson brought up a Bylaws Committee recommendation of "do not pass" on King County amendments that were considered at the 2007 conference business meeting. Commissioner Thompson stated certain items were referred to the Board and he asked that these items be placed on the October Board meeting agenda.

President Dawson stated the next Board meeting will be held Wednesday, October 22, 1:00 p.m., at the Doubletree/SeaTac Hotel.

President Dawson reiterated his appreciation to the Board for changing the meeting date.

There being no further business, the meeting was adjourned at 4:45 p.m.